

(2019) 12 JH CK 0035
In the Jharkhand High Court
Case No : Writ Petition (C) No. 6005 of 2018

Yash Raj Singh

APPELLANT

Vs

Central Board of Secondary Education through its Chairman
And Ors

RESPONDENT

Date of Decision : 02-12-2019

Acts Referred:

Citation : (2019) 12 JH CK 0035

Hon'ble Judges : Rajesh Shankar, J

Bench : Single Bench

Advocate : Amritansh Vats, Peeyush Chitresh, Rajiv Ranjan

Final Decision : Disposed Of

Judgement

1. The present writ petition has been filed for quashing letter dated 27.10.2018/01.11.2018 as contained in memo no. CBSE/RO/PTN/EXAM/01/2018/612 (Annexure-5 to the writ petition) issued under the signature of the respondent no. 3 - the Assistant Secretary (Exam), Central Board of Secondary Education (CBSE), Patna, whereby the request of the petitioner for correcting his mother's name in the records of CBSE as "Archana Singh" in place of "Babita Singh" has been rejected. Further prayer has been made for issuance of direction upon the respondents to forthwith correct the name of the petitioner's mother as "Archana Singh" in place of "Babita Singh" in the records of the respondent-CBSE in view of the fact that the actual name of the petitioner's mother is "Archana Singh" as would be evident from the relevant school records i.e., certificate, identity card etc.

2. The petitioner, who is represented through his natural guardian i.e., his father - Satyendra Kumar Singh, studied in D.A.V Public School, Urimari, Sayal, Hazaribagh since Lower Kinder Garden (LKG) class and passed his Secondary School Examination (Class-X) in May, 2019. According to the petitioner, at the time of his admission in LKG class, his father had wrongly mentioned the name of his wife (the petitioner's mother) as "Babita Singh" instead of "Archana

Singh". In fact, "Babita Singh" is the pet name of the petitioner's mother. Subsequently, when the petitioner's father realized the said mistake, a request was made to the school administration for correction of the name of the petitioner's mother. On such request, the identity card of the petitioner, parents' identity card, school diary etc. were issued by the school mentioning the name of the petitioner's mother as "Archana Singh". However, the original documents filled up at the time of the petitioner's admission in the said school at LKG level could not be rectified by the school administration. Due to the said reason, the relevant records forwarded by the school to the CBSE found mention of the nickname of the petitioner's mother i.e., "Babita Singh". The petitioner is presently studying in Class-XI in some other school affiliated with the CBSE. The petitioner's father made a request to the Principal of the D.A.V Public School, Urimari, Sayal, Hazaribagh for the said correction which was forwarded by the Principal of the said school to the respondent no. 2 - the Regional Officer, Central Board of Secondary Education, Bailey Road, Patna. However, vide impugned letter dated 27.10.2018/01.11.2018 as contained in memo no. CBSE/RO/PTN/EXAM/01/2018/612, the said request of the petitioner's father was rejected on the ground that the desired correction was not supported by the school records.

3. Heard the learned counsel for the parties and perused the materials available on record.

4. The petitioner has annexed the photocopies of the petitioner's identity card, parents' identity card and school diary signed by the class teacher (Annexure-1 and 2 series to the writ petition) in support of the averment made in the writ petition that subsequently when the aforesaid mistake was realized by the petitioner's father, he requested the school administration to change the name of the petitioner's mother as "Archana Singh". The petitioner has also annexed a copy of his birth certificate which reflects the name of the petitioner's mother as "Archana Singh".

5. The learned counsel for the respondent-CBSE while referring to letter dated 11.02.2019 (Annexure-B to the counter affidavit dated 30.04.2019) issued by the Principal D.A.V Public School, Urimari, Sayal, Hazaribagh submits that the Principal has raised a doubt as to whether "Babita Singh" and "Archana Singh" is the name of same person. So far as the said doubt created by the Principal of the school is concerned, the petitioner has also brought on record an affidavit of his father sworn before the Notary Public, Ranchi, Jharkhand (Annexure-9/1 to the second supplementary affidavit dated 29.03.2019 filed on behalf of the petitioner) declaring that the original name of his wife and mother of the petitioner is Smt. "Archana Singh". It has also been declared in the said affidavit that "Archana Singh" and "Babita Singh" is the name of same person. A copy of paper publication made to that effect on 07.03.2019 in daily local newspaper-Hindi edition "Hindustan" has been annexed as Annexure-9 to the said supplementary affidavit dated 29.03.2019.

6. Hence, keeping in view that the petitioner's father has duly sworn an affidavit

declaring that the name of his wife/petitioner's mother is "Archana Singh" and "Babita Singh" and "Archana Singh" is the name of same person, the said doubt created by the principal of the school stands clarified.

7. Admittedly, the request for change of name of the petitioner's mother was made within the period prescribed under circular dated 10.11.2017 issued by the CBSE. Hence, I find merit in the present writ petition. The impugned letter dated 27.10.2018/01.11.2018 as contained in memo no. CBSE/RO/PTN/EXAM/01/2018/612 is hereby quashed and set aside. The respondent no. 2 - the Regional Officer, Central Board of Secondary Education, Bailey Road, Patna is directed to change the name of the petitioner's mother as "Archana Singh" in all the records relating to the petitioner and to issue a corrected matriculation certificate to the petitioner within a period of six weeks from the date of the order.

8. The writ petition is accordingly disposed of with aforesaid observation/direction.